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May 4, 2020

C.T. Corporation
PO Box 16270
Missoula, MT 59808

Re: *Headley vs. Walmart Stores, Inc.*, DCV-20-0193

Dear Sir/Madam:

Enclosed please find the following:

- 1) Complaint and Demand for Jury Trial;
- 2) Notice and Acknowledgment of Service;
- 3) Copy of the Summons; and,
- 4) Return envelope.

As the registered agent for Defendant Walmart Stores, Inc., please accept service by dating and signing the Acknowledgment of Service and returning to us in the envelope provided.

Thank you, and if you have any questions, please do not hesitate to call.

Very truly yours,

Kristi Natalie
Paralegal
DUBOIS MILLS, PLLC.

Enclosures

1 Eric D. Mills
2 DUBOIS MILLS, PLLC
3 104 4th Street N, Suite 200
4 P.O. Box 1348
5 Great Falls, Montana 59403
6 Ph: 406.315.3242
7 Fax: 406. 727.1812
8 eric@406attorneys.com

9 *Attorneys for Plaintiff*

10 **MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY**

11 **FRANK HEADLEY,**

12 **Plaintiff,**

13 **vs.**

14 **WALMART STORES, INC.,**

15 **Defendant.**

CLERK OF DISTRICT COURT
TINA HENRY

2020 APR -7 PM 3:32

FILED

BY _____
DEPUTY

Cause No. **CDV -20-0193**

JOHN A. KUTZMAN

**COMPLAINT AND DEMAND FOR
JURY TRIAL**

16 COMES NOW, Plaintiff, Frank Headley, by and through Counsel, Eric D. Mills of
17 DuBois Mills, PLLC, and submits his *Complaint and Demand for Jury Trial* against Defendant
18 as follows:

19 **GENERAL ALLEGATIONS**

- 20
- 21 1. Frank Headley ("Plaintiff") is a resident of Great Falls, Cascade County, Montana.
 - 22 2. Wal-Mart Stores, Inc. is a corporation organized and existing under the laws of Montana
23 and which operates in Great Falls, Cascade County, Montana. The registered agent for
24 Wal-Mart Stores is CT Corporation System, 3011 American Way, Missoula County,
25 Missoula, Montana.
 - 26 3. Plaintiff was employed by Defendant(s) starting approximately July 3, 2016. He satisfied
27 any probationary period which may have been associated with his employment
28

1 at Defendant(s).

2 4. Plaintiff was terminated on November 7, 2019.

3 5. Prior to discharge, Plaintiff was working full-time and earning approximately \$40,000.00
4 per year. He also worked overtime and received fringe benefits including health, dental,
5 vision, and life insurance.
6

7 6. Prior to discharge, Plaintiff satisfactorily performed work for Defendant(s) and met or
8 exceeded performance expectations.

9 7. After discharge, Plaintiff has complied with all statutes regarding mitigating his damages
10 and seeking alternate employment.
11

12 **WRONGFUL DISCHARGE FROM EMPLOYMENT**

13 8. Plaintiff realleges paragraphs 1 through 7 as if fully set forth herein.

14 9. Defendant(s)' reason for discharging Plaintiff was not for good cause.

15 10. Defendant(s) violated express provisions of its own written personnel policy when
16 discharging Plaintiff.
17

18 11. Under Mont. Code Ann. § 39-2-904(1), Defendant acted unlawfully when discharging
19 Plaintiff.

20 12. Due to and as a direct result of Defendant(s)' unlawful acts, Plaintiff has sustained
21 damages in an amount to be proven at trial.
22

23 **WHEREFORE, Plaintiff requests relief against Defendant(s) as follows:**

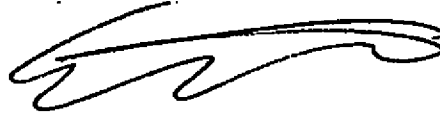
- 24 1. For lost wages and fringe benefits for four (4) years from the date of discharge, less
25 interim earnings as required by law;
26 2. For actual damages in an amount to be proven at trial;
27 3. For Plaintiff's costs and expenses incurred herein, and;
28

1 4. For such other and further relief as the Court may deem just and equitable.

2 **JURY DEMAND**

3 Plaintiff demands a jury trial of all issues so triable in this case.

4 DATED this 7th day of April 2020.

5
6 

7
8

Eric D. Mills
9 *Attorney for Plaintiff*

Statute Reference: 39-2-801

Date of Termination: 11-7-19

SECTION I. ASSOCIATE CURRENT INFORMATION

Associate Name: Frank Headley Social Security No. _____

Work Location: 7199 Great Falls, MT.

Work Position: Job Code 1-594-101 Job Title: Fresh Production Supervisor

Period of employment: From 7-29-2017 To 11-7-19

SECTION II. REASON FOR SEPARATION (enter codes and description from exit interview)

☐ Voluntary

☒ Involuntary Attendance policy states that associate should have no more than 5 exceptions. Associate has 5

Reason for separation: _____

SECTION III. FINAL WAGES

Associate Received:

☐
☐
☐

Regular Wages
Vacation Pay
Wage in Lieu

☐
☐
☐

Bonus
Separation/Severance Pay
Profit Sharing/401k

In the amount of \$ _____ for period from _____ to _____

If Associate retired, furnish amount of retirement pay and what percentage of contributions were paid by the employer. _____ per month _____ % paid by employer

Note: Wal-Mart Stores, Inc. does not have a qualified retirement plan.

SECTION IV. EMPLOYER CERTIFICATION

Employer Name: Walmart #7199 Telephone Number (406) 770-6083

Address: 5320 48th Avenue Sp

City: Great Falls, MT 59405 State: _____ Zip: _____

Email: _____

Employer's State Department of Labor Account Number: 308906

SECTION V. CERTIFYING OFFICIAL

I acknowledge that the above Associate has been separated from work at Wal-mart and the information furnished in this document is true and correct. This report has been delivered to or mailed to the Associate.

Name: Sean Wilkinson Date: 11-7-19

Title: ASM

Signature: Sean C. Wilkinson

NOTICE TO ASSOCIATE
PLEASE USE THIS FORM IF YOU WISH TO FILE FOR UNEMPLOYMENT
INSURANCE BENEFITS.

Complete Along with Exit Interview (WMP 20)

(13)

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

FRANK HEADLEY,

Cause No.:

Plaintiff,

vs.

SUMMONS

WALMART STORES, INC.,

Defendant.

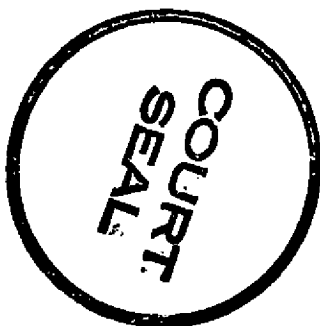
THE STATE OF MONTANA SENDS GREETINGS TO THE ABOVE NAMED DEFENDANT, WAL-MART STORES, INC. BY AND THROUGH ITS REGISTERED AGENT, CT CORPORATION SYSTEMS:

YOU, THE DEFENDANT, ARE HEREBY SUMMONED to answer the *Complaint and Demand for Jury Trial* in this action which is filed in the office of the Clerk of the above-named Court, a copy of which is served upon you with this *Summons*, and to file your answer and serve a copy of your answer upon the Plaintiff within twenty-one (21) days after the service of this *Summons*, exclusive of the day of service. If you fail to appear or answer, judgment will be taken against you by default for the relief demanded in the *Complaint and Demand for Jury Trial*.

Dated this 7 day of April 2020.

CLERK OF COURT

By: T. Hickman
Deputy Clerk



Eric D. Mills
DUBOIS MILLS, PLLC
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eric@406attorneys.com

Attorneys for Plaintiff

MONTANA EIGHTH JUDICIAL DISTRICT COURT, CASCADE COUNTY

FRANK HEADLEY,

Plaintiff,

vs.

WALMART STORES, INC.,

Defendant.

Cause No.: CDV-20-0193

**NOTICE AND ACKNOWLEDGMENT OF
SERVICE**

TO: WALMART STORES, INC., c/o C.T. Corporation

The enclosed *Complaint and Demand for Jury Service* and one copy of the *Summons* are served upon you in compliance with Rule 4(d)(3) of the Montana Rules of Civil Procedure.

You may complete the Acknowledgment part of this form and return one copy of the completed form to the sender within twenty-one (21) days after the date it was mailed to you as shown below.

If you decide to complete and return this form, you must sign and date the Acknowledgment. If you are served on behalf of a corporation, unincorporated association (including a partnership), or other entity, you must indicate under your signature your relationship to that entity. If you are served on behalf of another person and you are authorized to receive process, you must indicate under your signature your authority.

If you do not complete and return this form to the sender within twenty-one (21) days after the date it was mailed to you as shown below, you (or the party on whose behalf you are being

1 served) may be required to pay any expenses incurred in serving the documents any other manner
2 permitted by law.

3 If you do complete and return this form, you (or the party on whose behalf you are being
4 served) must respond within twenty-one (21) days after the date of signature which you place on
5 the Acknowledgment below. If you (or the party on whose behalf you are being served) fail to
6 respond within the foregoing twenty-one (21) day period, judgment by default will be taken against
7 you. I declare, under penalty of perjury, that this Notice and Acknowledgment of Service of the
8 *Complaint* and *Summons* was sent to C.T. Corporation, on behalf of Defendant.

9 DATED this 4th day of May, 2020.

DUBOIS MILLS, PLLC

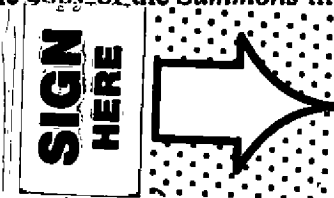


Eric D. Mills

Attorneys for Plaintiff

12 **ACKNOWLEDGMENT**

13 I declare, under penalty of perjury, that I received a copy of the *Complaint and Demand*
14 *for Jury Service* and one copy of the *Summons* in the above-captioned matter.



16 _____
17 Signature

18 _____
19 Print Name

20 _____
21 Relationship to Entity/
22 Authority to Receive Services of Process

23 _____
24 Date of Signature